

**Notice of Allowability**

Application No.

09/720,066

Examiner

Maria B. Marvich, PhD

Applicant(s)

HALLEK ET AL.

Art Unit

1633

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment 3/19/06.
2. ☒ The allowed claim(s) is/are 1, 35-42, 44, 46-48, 50 and 51.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☒ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____   |

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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karen Elbing on June 12, 2007.

The application has been amended as follows:

#### IN THE CLAIMS:

In claim 1, line 1, the word "structural" prior to the phrase "protein of adeno-associated" has been deleted and replaced with the term -- VP1, VP2, VP3 --.

In claim 35, line 1, the word "structural" prior to the phrase "protein according to Claim 1" has been deleted and replaced with the term -- VP1, VP2, VP3 --.

In claim 36, line 1, the word "structural" prior to the phrase "protein according to Claim 35" has been deleted and replaced with the term -- VP1, VP2, VP3 --.

In claim 37, line 1, the word "structural" prior to the phrase "protein according to Claim 1" has been deleted and replaced with the term -- VP1, VP2, VP3 --.

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In claim 38, line 1, the word “structural” prior to the phrase “protein according to Claim 37” has been deleted and replaced with the term -- VP1, VP2, VP3 --.

In claim 39, line 1, the phrase “coding for a structural” prior to the phrase “protein of adeno-associated” has been deleted and replaced with the phrase -- VP1, VP2, VP3 --.

In claim 41, line 1, the word “structural” prior to the phrase “protein of adeno-associated” has been deleted and replaced with the term -- VP1, VP2, VP3 --.

In claim 42, line 3, the word “structural” prior to the phrase “protein, wherein the mutated” has been deleted and replaced with the term -- VP1, VP2, VP3 --.

In claim 44, line 1, the word “structural” prior to the phrase “protein of adeno-associated” has been deleted and replaced with the term -- VP1, VP2, VP3 --.

In claim 46, line 1, the word “structural” prior to the phrase “protein according to Claim 44” has been deleted and replaced with the term -- VP1, VP2, VP3 --.

In claim 47, line 1, the word “structural” prior to the phrase “protein according to Claim 46” has been deleted and replaced with the term -- VP1, VP2, VP3 --.

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In claim 48, line 1, the phrase "coding for a structural" prior to the phrase "protein of adeno-associated" has been deleted and replaced with the phrase -- encoding VP1, VP2 and VP3 --.

In claim 51, line 1, the word "structural" prior to the phrase "protein of adeno-associated" has been deleted and replaced with the term -- VP1, VP2, VP3 --.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria B. Marvich, PhD whose telephone number is (571)-272-0774. The examiner can normally be reached on M-F (7:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach, PhD can be reached on (571)-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Maria B Marvich, PhD  
Examiner  
Art Unit 1633

JOSEPH WOITACH, PH.D.